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Attorneys for Plaintiff
The Internet Corporation for Assigned Names
and Numbers

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA

LOGGED

11
12 The Internet Corporation for Assigned
13 Names and Numbers,

Plaintiff,

v.

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15
16 RegisterFly.Com, Inc., and
UnifiedNames, Inc.,

Defendants.

Case No. CV 07-2089 R (PLAx)

**REVISED [PROPOSED] ORDER
GRANTING CIVIL CONTEMPT
SANCTIONS**

Date: May 9, 2007
Time: 10:00 a.m.
Judge: Hon. Manuel L. Real

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1 **[PROPOSED] ORDER**

2 On April 26, 2007, this Court issued a Preliminary Injunction (“PI”) against
3 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. (collectively,
4 “RegisterFly”). The PI imposed the same obligations on RegisterFly that the Court
5 imposed on RegisterFly on April 16, 2007, when the Court issued a Temporary
6 Restraining Order (“TRO”) against RegisterFly, and imposed additional obligations
7 necessitated by RegisterFly’s failure to comply with the TRO. Concurrent with the
8 issuance of the TRO, the Court ordered RegisterFly to file, by April 20, 2007, a
9 response to an order to show cause why a preliminary injunction should not be
10 issued against RegisterFly. RegisterFly did not file any response to the Court’s
11 order to show cause.

12 On May 1, 2007, plaintiff Internet Corporation for Assigned Names and
13 Numbers (“ICANN”) filed an *Ex Parte* Application for Civil Contempt Sanctions,
14 presenting clear and convincing evidence to this Court of RegisterFly’s failure to
15 comply with the PI. In addition, ICANN presented this Court with evidence that it
16 served RegisterFly with the PI.

17 Accordingly, based on the Complaint filed herein, the *Ex Parte* Application
18 for Temporary Restraining Order, the Memorandum filed in Support of the
19 Application, the Declarations in Support of the Application, Supplement to Plaintiff
20 ICANN’s Application for Temporary Restraining Order, ICANN’s Briefing In
21 Support of Preliminary Injunction, the Declaration of Jeffrey A. LeVee in Support
22 of Preliminary Injunction, the Preliminary Injunction, the *Ex Parte* Application for
23 Order to Civil Contempt Sanctions, the Memorandum and Declaration of Jeffrey A.
24 LeVee filed in support of the Contempt Application, and the argument of counsel,

25 IT IS HEREBY ORDERED THAT:

26 Defendants RegisterFly.Com, Inc. and UnifiedNames, Inc. are hereby found
27 in civil contempt for violating this Court’s April 26, 2007 Preliminary Injunction.

28 IT IS FURTHER ORDERED THAT:

1 1. As a SANCTION for RegisterFly’s refusal to comply with the
2 Preliminary Injunction (“PI”) in submitting data to ICANN, upon ICANN’s request
3 a U.S. Marshal or an official from any other law enforcement agency (collectively,
4 “Law Enforcement Official”) shall accompany Plaintiff Internet Corporation for
5 Assigned Names and Numbers (“ICANN”) to gain access to the premises of
6 Defendants RegisterFly.Com, Inc., and UnifiedNames, Inc. and all of their officers,
7 directors, agents, or representatives (collectively referred to as “RegisterFly”) as
8 necessary to physically obtain an electronic copy of all Data required under the
9 Court’s April 26, 2007 Preliminary Injunction, and to seize such electronic cop[ies].
10 ICANN and RegisterFly are to assist the Law Enforcement Official in assuring the
11 electronic cop[ies] meet the necessary technical specifications. RegisterFly is
12 required to disclose to the Law Enforcement Official all physical locations where
13 the Data is found.

14 2. The Data the Law Enforcement Official is authorized to seize is generally
15 described as follows: a current and complete copy of all registrant data for all
16 Internet domain names that RegisterFly services as an ICANN-accredited Registrar,
17 including the registration data for the equitable registrants of those domain names
18 currently identified as registered by a proxy registration service, such as
19 “ProtectFly”. This includes a complete and accurate copy of all Data, including all
20 registrant data identifying a proxy registration service as registrant, and a copy of
21 the registration data for the equitable registrants of those domain names identified
22 as registered by a proxy registration service. The Law Enforcement Official shall
23 seize or require the electronic copying of all Data reflecting all registration transfers
24 up to the point of the Data seizure.

25 3. The Data referred to within this Order, must include the following
26 information, as required under sections 3.2, 3.3, and 3.4 of the RAA:

- 27 • the Registered Name;

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- 1 • the names of the primary nameserver and secondary
- 2 nameserver(s) for the Registered Name;
- 3 • the identity of the registrar (which may be provided through
- 4 registrar's website);
- 5 • the original creation date of the registration;
- 6 • the expiration date of the registration;
- 7 • the name and postal address of the Registered Name Holder;
- 8 • the name, postal address, e-mail address, voice telephone
- 9 number, and (where available) fax number of the technical
- 10 contact for the Registered Name;
- 11 • the name, postal address, e-mail address, voice telephone
- 12 number, and (where available) fax number of the administrative
- 13 contact for the Registered Name;
- 14 • the name and (where available) postal address, e-mail address,
- 15 voice telephone number, and fax number of the billing contact;
- 16 • any other Registry Data that the registrar has submitted to the
- 17 registry operator or placed in the registry database.

18 For the registration data for the equitable registrants of those domain
19 names currently identified as registered by a proxy registration service, such as
20 "ProtectFly", the Data referred to in this Order must include all of the information
21 specified above; however, the name, address, contact and billing information must
22 reflect data as it relates to the equitable registrant, as opposed to the registered
23 proxy service.

24 4. As a SANCTION for RegisterFly's refusal to comply with Paragraph 8
25 of the PI, upon ICANN's request, a Law Enforcement Official shall accompany
26 ICANN to gain access to RegisterFly's premises as necessary to obtain access to
27 RegisterFly's books and records to perform the Court-ordered audit pursuant to the
28 April 26, 2007 Preliminary Injunction

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5. Upon seizure of the Data, the Law Enforcement Official is to provide ICANN with the complete copy for ICANN's use in accordance with the PI.

6. The sanctions against RegisterFly may be lifted upon RegisterFly's providing this Court with evidence sufficient to demonstrate it is in full compliance with the PI.

7. RegisterFly is under a continuing obligation to abide by all terms of the April 26, 2007 PI and may be subject to additional civil or criminal sanctions for any further violations thereof.

IT IS SO ORDERED.

Dated: _____, 2007

The Honorable Manuel L. Real
United States District Court Judge

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PROOF OF SERVICE BY OVERNIGHT DELIVERY

I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower Street, Fiftieth Floor, Los Angeles, California 90071-2300. On May 3, 2007, I deposited with Federal Express, a true and correct copy of the within documents:

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**REVISED [PROPOSED] ORDER GRANTING
CIVIL CONTEMPT SANCTIONS**

in a sealed envelope, addressed as follows:

Kevin Medina
RegisterFly.Com, Inc.
960 Arthur Godfrey Road, St402
Miami Beach, FL 33140
Email:
kevin@unifiednames-inc.com
President of RegisterFly.Com,
Inc. and Unified Names, Inc.

Mitchell Novick, Esq.
Law Offices of Mitchell P.
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66 Park Street
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Email:
mnovick@mitchellnovick.com
Counsel for Kevin Medina,
Registerfly, and Unified Names

Harold Rabner, Esq.
Rabner, Allcorn, Baumgart &
Ben Asher, P.C.
52 Upper Montclair Plaza
(Upper Montclair)
Montclair, NJ 07043
Email:
hrabner@rabnerallcorn.com
Counsel for Kevin Medina,
RegisterFly, and Unified Names

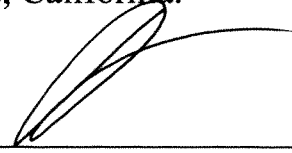
Alexandre Ian Cornelius, Esq.
Costell & Cornelius
1299 Ocean Ave., Suite 400
Santa Monica, CA 90401
Tel.: 310-458-5959
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[Courtesy Copy Via Facsimile
Only]

Following ordinary business practices, the envelope was sealed and placed for collection by Federal Express on this date, and would, in the ordinary course of business, be retrieved by Federal Express for overnight delivery on this date.

I have submitted a courtesy copy of the above described document via email to all parties listed above.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 3, 2007, at Los Angeles, California.



Deborah Futrowsky

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